IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2649 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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J.J.PATEL & 3 - Petitioners
Versus
THE GUJARAT WATER SUPPLY AND SEWERAGE BOARD & 3 - Respondent(s)

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Appearance :
MR SHALIN MEHTA for Petitioners.
MR KH BAXI for Respondent No. 1.
M/S MG DOSHIT & CO for Respondent No. 2.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 13/01/2006

ORAL JUDGMENT

1.The petitioners have filed this petition under Article 226 of the Constitution of India praying for the declaration that the petitioners are entitled to the deemed date of promotion to the post of Deputy Executive Engineer (Mech.) from the date on which they were entitled for promotion in preference to the employees on deputation and further seeking direction to the respondents to give all consequential benefits to the petitioners on that basis. The petitioners have further prayed for the declaration that the order dated 29.04.1986 at Annexure A passed by the respondent authorities is arbitrary, discriminatory, in contravention of the relevant rules and guidelines and hence, the same may be quashed and set aside.

2.The petition was admitted on 23.06.1986. On

09.01.2006, this Court has passed an order wherein letter dated 21.03.1989 produced by the respondent No. 1 was taken into consideration. In the said letter, it was stated that the petitioners have already been promoted to the higher posts. Hence, the submission was made that the present petition has become infructuous. Along with the said order, true copies of the promotion orders were attached. However, the order which was shown to the Court did not contain names of the present petitioners. In this view of the matter, the respondent No. 1 was directed to place necessary orders before the Court or to make categorical statement that they have already been promoted.

3.Pursuant to the said order, Mr. K.H. Baxi, learned advocate appearing for the respondent No. 1 has placed on record copy of the order dated 5/13.03.1987 whereby all the four

petitioners have been promoted to the post of Deputy Executive Engineer (Mechanical) with effect from 05.03.1987. Mr. Baxi has also placed on record copy of the order dated 12.11.2003 whereby Mr. J.J. Patel, petitioner No. 1 herein was promoted to the post of Executive Engineer (Mech.).

4.In the above view of the matter, the grievance raised by the petitioners in this petition does not survive. The petition has become infructuous and accordingly it is disposed of as having become infructuous. Rule discharged without any order as to costs.

5.Mr. Shalin Mehta, learned advocate appearing for the petitioners has submitted that he is not in a position to contact the petitioners and hence, the respondent No. 1 – Board may be directed to serve the copy of this order atleast to Mr. J.J. Patel, petitioner No. 1 who

is stated to have been in service. Accordingly, the respondent No. 1 is directed to serve the copy of this order to Mr. J.J. Patel, petitioner No. 1.

6.Liberty is granted to the petitioners to approach this Court in case of difficulty.

[K.A. PUJ, J.]

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